vict laborer, hired out by the state. There are few cases upon this proposition. But the law seems to be that the lessee is liable for a failure to furnish a safe place to work and safe appliances. *Dalheim* v. *Lemon,* 45 Fed. 225; *Hartwig* v. *Shoe Co.,* 43 Hun 425; *Dade Cole Co.* v. *Haslett,* 83 Ga. 549. Also the law is that the convict can recover if hurt because of going into a dangerous place under order of a guard, even though the danger is obvious. *Chattahouchee Brick Co.* v. *Braswell,* 92 Ga. 631. But a recovery may be denied because of the contributory negligence of the plaintiff. *Rayborn* v. *Patton,* 11 Ohio Dec. 100; *Hartwig* v. *Shoe Co.,* 118 N. Y. 664. In short, the law appears to be that the principles of the law of master and servant apply so as to bar a recovery for a failure of the convict to perform *his* duty, as in the case of contributory negligence; but that they do not apply with reference to the assumption of risk, or in the case of the negligence of another servant of the lessee, as the convict has no choice or freedom of action in these latter cases.

MASTER AND SERVANT—MEDICAL TREATMENT—CHARITIES.—A railroad company deducted a certain sum from the wages of employees, and made a contract with a competent surgeon to treat said employees in his hospital, in consideration of the fund so collected. *Held,* that the company was not liable for malpractice, by the doctor, on one of its employees. *Texas Cent. R. Co.* v. *Zumwalt* (1910), — Tex. —, 132 S. W. 113.

If a railroad, not for the pecuniary profit of the road, maintains a hospital for the treatment of its employees it is subject to the rule governing charitable corporations. *Eighmy* v. *U. P. R. Co.,* 93 Ia. 538; *Laubheim* v. *Koninglyke,* 107 N. Y. 228. The situation is not changed by the fact that the parties contribute, if the contributions are not a source of profit to the owner. *Hanway* v. *Galveston R. R.,* 94 Tex. 76. However, the courts divide as to the liability of charitable corporations. Some hold them to the same liability as a private corporation. *Donaldson* v. *Commissioners,* 30 New Brunswick, 279; *Glavin* v. *R. I. Hospital,* 12 R. I. 411. Some do not impose any corporate liability. *Downes* v. *Harper Hospital,* 101 Mich. 555; *Fire Ins Patrol* v. *Boyd,* 120 Pa. 624. The majority of courts are with the principal case, and only require that the corporation use due care in the selection of employees. *Hearns* v. *Waterbury Hospital,* 66 Conn. 98; *Powers* v. *Mass. etc. Hospital,* 109 Fed. 294; *Conner* v. *Sisters of the Poor,* 10 Ohio Dec. C. P. 86; *Corbitt* v. *St. Vincent's Industrial School,* 79 App. Div. 334.

MUNICIPAL CORPORATIONS—CONTROL OF—CONSTITUTIONAL LAW—SELF-EXECUTING PROVISIONS.—Plaintiff sought to enjoin the defendant city from issuing bonds for the purpose of procuring the location of a Normal School in the defendant city, in accordance with a special law (Laws 1910, c. 120) empowering such action on the part of municipalities, on the ground that said law is unconstitutional in that it is violative of § 80 of the Mississippi Constitution which requires that provision be made by general laws "to prevent the abuse by cities, towns, and other municipal corporations of their powers of assessment, taxation, borrowing money and contracting debts." *Held,*

§ 80, supra, is not self-executing and the court was powerless to afford a remedy. Judgment for the defendant was therefore affirmed. *Turner et al.* v. *City of Hattiesburg* (1910), — Miss. —, 53 South. 681.

A limitation on the power of municipalities to incur indebtedness, imposed by a state constitution, is inoperative in the absence of supplemental legislation; *Holtzhauer* v. *Newport,* 94 Ky. 396, 15 Ky. L. Rep. 188, 22 S. W. 752, and in general a constitutional provision is self-executing only when it supplies a sufficient rule by means of which a right may be given or a duty enforced, *Ex parte McNaught,* 23 Okl. 285, 100 Pac. 27; *Finklea* v. *Farish,* — Ala. —, 49 South. 366; *People* v. *Provines,* 34 Cal. 520; *State* v. *Dubuclet,* 28 La. Ann. 698. Furthermore an examination of article 80, supra, itself clearly shows that the intent was that it should be enforced by means of subsequent legislation and not operate of its own force and effect. Here, however, is an act of the legislature which, in the language of the dissenting opinion in the principal case, "is not an exercise of the legislative judgment fixing a limit, but on the contrary a plain attempt to override the constitutional command." The act (Laws 1910, c. 120) would perhaps constitute a means of exercising an abuse such as contemplated by § 80 of the constitution yet how be certain that such would be the case in the absence of any legislation whatever under the authority of § 80? A contrary supposition, *i. e.,* that Laws 1910, c. 120 does not empower an overstepping of the limitation sought to be brought about by the contemplated legislation authorized under § 80 might fairly be indulged in because the act of 1910 authorizes "the issuance of bonds to obtain the local benefits resulting from the location of the college within the municipality." It is quite possible that a municipality might levy a tax to meet the expenses of securing so obvious a benefit as a normal school and its action in this regard be quite consonant with the meaning of § 80 supra. The danger would of course lie in the fact that such a power might be unwarrantably extended, and might reach entirely beyond the benefit incurred. When a statute is susceptible of two interpretations, one of which will uphold its constitutionality, that interpretation will be adopted. *State* v. *Pitts,* — Ala. —, 49 South. 441; *Dixon* v. *Russell,* — N. J. L. —, 73 Atl. 51; *Rakowski* v. *Wagoner,* — Okl. —, 103 Pac. 632.

MUNICIPAL CORPORATIONS—STREET PAVING—"IN FRONT OF LOTS"—APPORTIONING COST.—In the year 1907 the village of Glens Falls adopted an ordinance under which Grove avenue was paved, one-half at the expense of the village and the other half by an assessment upon the owners of lands adjoining the avenue. The ordinance provided that "no land owner shall be required to grade, pave, etc., etc., any portion of the street not in front of his land—." Plaintiff was the owner of a lot fronting on Grove avenue at the corner of said avenue and Davis street, and in addition to being assessed for the number of feet frontage upon Grove avenue was also assessed for one-quarter of the space of the paving of the intersection of Grove avenue and Davis street. He refused to pay for the latter portion of the assessment and the controversy was submitted upon an agreed statement of facts. *Held,*